

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 00-111
)	
ERIC LISH SWAN)	

GOVERNMENT'S RESPONSE IN OPPOSITION
TO DEFENDANT'S MOTION FOR RELEASE ORDER

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and James H. Love, Assistant United States Attorney for said District, and files this response to Defendant's Motion for Release Order.

1. The essential background to this claim is already known to the Court from the Probation Officer's petition and the defendant's motion. In summary, this defendant was released from federal custody and began a term of supervised release after serving a sentence for illegal possession of a firearm. Thereafter he was arrested by local police in three separate incidents, two of which are pending trial and one of which was withdrawn by the arresting officers. He is now confined in the Allegheny County Jail as a result of the federal probation office's detainer. In all other respects there are no holds or detainers on his liberty.

2. Despite that fact, the government believes that a release order would not serve the community's best interests based

on the facts underlying those three arrests. Particularly, the government notes the following: In connection with the burglary arrest reported at OTN G328071-2, police found it necessary to administer a Taser charge on Mr. Swan who refused to stop and submit to a lawful arrest and who, upon apprehension, was then in possession of cocaine, heroin and marijuana. Likewise, reports filed at OTN G325327-2, recounting an attempted burglary at a Pittsburgh Housing Authority property, indicates that Swan fled from officers and resisted arrest by wrestling with officers. Another arrest, reported at OTN G337015-0, allegedly involved Mr. Swan in the forcible theft of cash from his sister and her boyfriend wherein Mr. Swan threatened the latter with a razor. Those charges were withdrawn.

3. In addition, the Probation Office has also advised the United States Attorney of a fourth arrest, which took place in Pittsburgh on April 13, 2007. The Probation Officer intends to supplement the petition to apprise the Court of the facts underlying that case. In that case, reported at OTN G3394456-5, Swan was arrested after attempting to pilfer six items from a Foodland grocery store. In that case, he was reportedly combative. More to the point, he gave booking officers a false name and address once in custody.

4. Whether or not Mr. Swan is legally guilty of any of the remaining charged offenses, it appears that he is not a good candidate for release. These arrests are characterized by violent

conduct against the persons of police officers or family members, involve possession of controlled substances and, on one occasion, Mr. Swan knowingly gave police false information, all of which is conduct wholly inimical to a release order.

Respectfully submitted

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